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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-00373 RMW
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER TO CONTINUE STATUS
v.	)	HEARING AND TO EXCLUDE TIME
	)	FROM JUNE 30, 2008 THROUGH
NED ROSCOE, and	)	AUGUST 25, 2008 FROM THE SPEEDY
JOHN ROSCOE,	)	TRIAL ACT CALCULATION (18 U.S.C. §
	)	3161(h)(8)(A),(B))
Defendants.	)	
	)	

On June 30, 2008, the parties appeared for a hearing before the Court for a status hearing and superseding arraignment. The defendants each pleaded not guilty to the charges contained in the superseding indictment, and further requested that the Court set the matter for another status hearing on August 25, 2008, on the asserted bases that they intend to make further discovery requests in this case, and because the case is complex. The government and counsel for both defendants thus stipulated to an exclusion of time under the Speedy Trial Act.

The United States hereby submits this written request for an order finding that said time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served by taking such action and outweigh the best interests of the public and defendants in a speedy

trial. 18 U.S.C. § 3161(h)(8)(A). Further, the case has been deemed complex under 18 U.S.C. § 3161(h)(8)(B)(ii).

DATED: July 1, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

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Assistant United States Attorney

\_\_\_\_\_/S/\_\_\_\_\_  
MARK EIBERT  
For Defendant NED ROSCOE

\_\_\_\_\_/S/\_\_\_\_\_  
PETER LEEMING  
For Defendant JOHN ROSCOE

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between June 30, 2008 through April 25, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Moreover, the case has been deemed complex under 18 U.S.C. § 3161(h)(8)(B)(ii). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(ii).  
IT IS SO ORDERED.

DATED:

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RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE